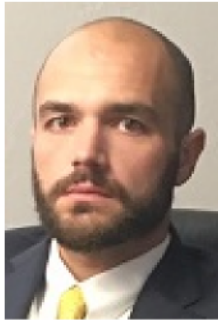


IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) PATRICIA THOMPSON, as)
Personal Representative of the)
Estate of MARCONIA LYNN)
KESSEE,)
)
Plaintiff,)
)
-vs-) No. CIV-19-113-SLP
)
(1) NORMAN REGIONAL HOSPITAL)
AUTHORITY d/b/a NORMAN)
REGIONAL HOSPITAL, a public)
trust. et al.,)
)
Defendants.)



* * * * *

REMOTE VIDEOCONFERENCE DEPOSITION OF DANIEL BROWN

TAKEN ON BEHALF OF THE PLAINTIFF

IN OKLAHOMA CITY, OKLAHOMA

ON OCTOBER 20, 2020

COMMENCING AT 2:54 P.M.

* * * * *

REPORTED BY: BETH A. MCGINLEY, CSR, RPR

INSTASCRIP, LLC
125 PARK AVENUE, LL
OKLAHOMA CITY, OKLAHOMA 73102
schedule@instascript.net
Phone: (405) 605-6880 Fax: (405) 605-6881

Daniel Brown
10/20/2020

Page 105

1 Marconia was doing here?

2 A Yes.

3 Q What do you think he was trying to achieve?

4 MR. HAMMONS: Object to the form.

5 A I'm not sure what, exactly, he was trying to
6 achieve.

7 Q (By Ms. Thompson) Did your opinion of the --
8 of Marconia faking his symptoms change at any point
9 during your encounter with him?

10 MR. HAMMONS: Object to the form.

11 A What do you --

12 Q (By Ms. Thompson) Did you ever -- did you
13 continue thinking he was faking, the entire time you
14 were around Marconia?

15 MR. HAMMONS: Object to the form.

16 A Yes, that's -- I -- the whole time, I didn't
17 think he needed any medical attention, because I
18 thought it was -- it was -- he was faking his -- what
19 was going on.

20 Q (By Ms. Thompson) So, just to confirm: The
21 entire time you were around Marconia that night, you
22 thought that he was faking his symptoms, correct?

23 MR. HAMMONS: Object to the form.

24 A Yes, ma'am, I thought he was faking.

25 Q (By Ms. Thompson) Did -- at any point during

Daniel Brown
10/20/2020

Page 106

1 your encounter with Marconia Kessee, did you think that
2 he was having a serious medical condition that required
3 immediate medical attention?

4 MR. HAMMONS: Object to the form.

5 A No, ma'am.

6 Q (By Ms. Thompson) Did you ever observe any
7 symptoms in Marconia that led you to believe, in your
8 experience, that he was having a serious medical
9 condition that required immediate medical attention?

10 A I didn't think he had any medical -- medic- --
11 need for medical assistance.

12 Q And if you thought that, would you have tried
13 to get him some medical attention?

14 MR. HAMMONS: Object to the form.

15 A Yes, ma'am.

16 Q (By Ms. Thompson) But you didn't think that
17 was necessary, based on what you saw, correct?

18 MR. HAMMONS: Object to the form.

19 A Correct.

20 Q (By Ms. Thompson) Was it difficult to carry a
21 conversation with Marconia?

22 A Yes.

23 Q Was he not responsive to questions?

24 A He was difficult to speak with, yes, ma'am.

25 Q Was he slurring his words?

Daniel Brown
10/20/2020

Page 109

1 On that night when you brought Marconia into
2 the jail, did you have any interaction with that nurse?

3 A Yes, ma'am.

4 Q What did you tell him?

5 A I explained to him what had occurred at the
6 hospital.

7 Q And what, specifically, did you tell him had
8 occurred at the hospital?

9 A I told him that we picked this guy up for --
10 whatever is on the -- on the body cam footage we just
11 watched, that we -- he started his episodes or that
12 acting out after he was discharged.

13 Q And I don't remember if you've already said
14 that, but did you hand him the discharge paperwork -- to
15 the nurse?

16 A I don't believe I handed him any paperwork.

17 Q What about the fit slip?

18 A I did not.

19 Q What about the medications that were found on
20 Marconia Kessee, did you hand those to the nurse?

21 A That, I -- like, I -- I don't remember what
22 happened with those.

23 Q Did you do the pat-down of Marconia Kessee?

24 A Yes, ma'am.

25 Q And so you were the one who found the

Daniel Brown
10/20/2020

Page 111

1 EXAMINATION

2 BY MS. DARK:

3 Q Office Brown, I have a few questions for you.
4 My name is Jessica Dark and I represent Cleveland County
5 and the jailers that are involved in this lawsuit.

6 We listened to the body camera footage and
7 your discussions at the jail, but do you recall telling
8 them that another officer was on the way with the fit
9 slip?

10 A Yes, ma'am.

11 Q And when you exit the vehicle in the sallyport
12 area, a few of the jailers come out to assist you in
13 helping Mr. Kessee in; is that correct?

14 A Yes, ma'am.

15 Q And I believe that the jail nurse you've
16 described is standing in the intake area right when you
17 walk in; is that correct?

18 A Yes, ma'am.

19 Q So from the first second you and Mr. Kessee
20 arrive, the jail nurse is present, correct?

21 MR. HAMMONS: Object to the form.

22 A I believe he's -- ye- -- in that intake area,
23 yes, ma'am.

24 Q (By Ms. Dark) And at the point that Mr. Kessee
25 is carried back to a padded cell, was the jail nurse

Daniel Brown
10/20/2020

Page 112

1 still present there with Mr. Kessee?

2 A I believe so. I -- they went through the
3 first set of doors that go in, and I don't know what
4 happened from there.

5 Q When Mr. Kessee went back behind that first
6 set of doors, is that the last time you saw him?

7 A Yes, ma'am.

8 Q Up until that point, was the jail nurse
9 present with you and Mr. Kessee and the jailers?

10 A Yes, ma'am.

11 Q You were telling the jail nurse and the
12 jailers that were standing there that Mr. Kessee had
13 been acting this way back at the hospital, correct?

14 A Yes, ma'am.

15 Q And I believe you described a bit of an
16 episode that he had had at the hospital, correct?

17 A Yes, ma'am.

18 Q And did he then have another similar episode
19 while standing there in the intake area?

20 A Yes, ma'am.

21 Q And did that appear to be the same or similar
22 to the one that you had witnessed at the hospital?

23 A Yes, ma'am.

24 Q And you've seen people have seizures before,
25 correct?

Daniel Brown
10/20/2020

Page 113

1 A Yes, ma'am.

2 Q Did you believe that this was a seizure?

3 A No, ma'am.

4 MR. HAMMONS: Object to the form.

5 Q (By Ms. Dark) Did you believe that this was
6 any sort of serious medical issue at that time?

7 A No --

8 MR. HAMMONS: Object to the form.

9 A No, ma'am.

10 Q (By Ms. Dark) You saw -- do you under- -- do
11 you know where -- or in what cell the jailers were
12 taking Mr. Kessee to be held?

13 A No, ma'am.

14 Q If -- do you have any reason to disagree that
15 he needed to be in a cell for observation?

16 MR. HAMMONS: Object to the form.

17 A No, ma'am.

18 Q (By Ms. Dark) At the time that Mr. Kessee left
19 your sight, past that door, did you believe he needed
20 any elevated care than what the jail nurse could
21 provide?

22 MR. HAMMONS: Object to the form.

23 A No, ma'am.

24 Q (By Ms. Dark) He hadn't lost consciousness or
25 vomited or anything like that, while you -- while you

Daniel Brown
10/20/2020

Page 114

1 were at the jail, right?

2 MR. HAMMONS: Object to the form.

3 A Correct.

4 Q (By Ms. Dark) In fact, he hadn't lost
5 conscious- -- consciousness or vomited or anything like
6 that, prior to getting to the jail, correct?

7 A Correct.

8 Q After he's taken back, I understand you didn't
9 see him again. Do you have any knowledge or information
10 as to what occurred back in the jail with regard to
11 Mr. Kessee?

12 MR. HAMMONS: Object to the form.

13 A Other than what's in the reports.

14 Q (By Ms. Dark) Okay. I am going to come over
15 there and show you a video.

16 MS. DARK: Chris, this is jail surveillance
17 video from the intake area. The timestamp is 7:52:20.

18 Q (By Ms. Dark) And, Officer Brown, is that you
19 shown in that --

20 A Yes, ma'am.

21 Q -- screen? Can you tell what you have in your
22 hand?

23 A It looks like shoes.

24 Q And what might be in that hand?

25 A That is... I believe that's the bag of